

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

KATALYST BEVERAGE CORP.,	)	Civil Action No.: 10-5521 (JLL)
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
v.	)	
	)	
STARCO IMPEX INC.,	)	
d/b/a/ WHOLESALE OUTLET,	)	
<i>a Texas limited liability company,</i>	)	
	)	
USA Millenium GP, LLC	)	
<i>a Texas limited liability company</i>	)	
	)	
USA Millenium, LP	)	
<i>a Texas limited liability company</i>	)	
	)	
M. Tahir Javed,	)	
<i>an individual residing in Texas</i>	)	
	)	
and	)	
	)	
Hillside Beverage Packing, LLC,	)	
<i>a New Jersey limited liability company</i>	)	
	)	
Defendants.	)	
	)	

**LINARES**, District Judge.

This matter comes before the Court by way of Plaintiff's Motion for Temporary Restraints and a Preliminary Injunction. For the reasons stated in this Court's corresponding opinion,

**IT IS** on this 10<sup>th</sup> day of December, 2010

**ORDERED** that Katalyst's motion for a preliminary injunction is hereby **GRANTED**;

and it is further;

**ORDERED** that, pending final resolution of this action and further Order of this Court, Defendants Starco Impex, Inc. d/b/a/ Wholesale Outlet, Hillside Beverage Packing, LLC, USA Millennium GP, LLC, USA Millennium, LP, and M. Tahir Javed, and any person or entity acting on their behalf or at their direction, and all those on notice of this Order, are hereby enjoined and restrained from manufacturing, marketing, offering for sale, distributing, and selling any beverages under the mark SUM SYZRRUP, and under any mark confusingly similar to Katalyst's mark SIPPIN SYRUP, and any beverages with a trade dress comprised of:

(a) a black plastic bottle with a short and narrow base, a wider cylindrical midsection, curving inward to form a tall and narrow neck, and a black plastic cap;

(b) the brand name of the product ("SUM SYZRRUP") shown in bubble lettering and displayed at an angle;

(c) a circle design displayed behind the product brand name;

(e) a second geometric shape encapsulating the inner circle design;

(f) a short tag line ("RELAX. Get SUM") displayed in close proximity to the brand name;

(g) the listing of the blended items that promote relaxation (the "Relaxation Blend") displayed at the bottom of the same list of Supplement Facts; and

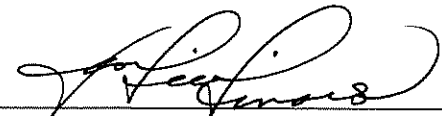
(h) a black border surrounding all the aforesaid elements, and with any trade dress confusingly similar to the trade dress of Katalyst's SIPPIN SYRUP product, except for those products manufactured prior to the run of approximately 14,000 cases bottled by Hillside on or around November 18, 2010, which may remain on the market; and it is further

**ORDERED** that, in accordance with Fed. R. Civ. P. 65(c), Plaintiff shall deposit with the

Clerk of the Court a bond or cash security in the amount of \$1,500,000 by 5:00 p.m. on Friday, December 17, 2010, of which \$300,000 shall be deemed satisfied by Plaintiff's November 30, 2010 deposit of \$300,000 cash funds with the Clerk of this Court (CM/ECF No. 25); and it is further

**ORDERED** that, should Plaintiff fail to deposit bond or security with the Clerk of the Court by the designated deadline, Defendants shall have the right to move to immediately dismiss these restraints.

**SO ORDERED.**



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JOSE L. LINARES  
UNITED STATES DISTRICT JUDGE